

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In the application of:

Tetsuro ASANO *et al.*

Serial No.: 10/505,438

Filing Date: August 24, 2004

For: PROTECTING ELEMENT

Examiner: Anh D. Mai

Group Art Unit: 2814

Confirmation No.: 2447

**RESPONSE TO NOTIFICATION OF NON-COMPLIANCE WITH REQUIREMENTS
OF 37 CFR 41.37(c)**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REMARKS

This Response responds to the Notification mailed January 22, 2009.

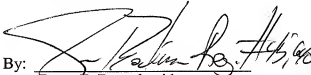
Appellants thank the Examiner for considering the Information Disclosure Statement filed September 26, 2006.

The Examiner has requested that the Summary of the Claimed Subject Matter in appellants' Opening Brief filed January 31, 2007, be corrected to separately map independent claims 20 and 39-42 to the specification. Applicants have revised the Summary accordingly and attach to this Response the revised Summary as a separate document, and not the entire Brief, as required by MPEP 1250.03.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952, referencing Docket No. 492322017400.

Respectfully submitted,

Dated: February 20, 2009

By: 

Barry E. Bretschneider
Registration No. 28,055

Morrison & Foerster LLP
1650 Tysons Boulevard, Suite 400
McLean, VA 22102-3915
Telephone: (703) 760-7743
Facsimile: (703) 760-7777